

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MARY YOUNG, ROCHESTER YOUNG,
HENRY CAMPBELL, ON BEHALF OF
THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED

PLAINTIFFS

V.

NO. 3:01CV092-B-A

TOWN OF KILMICHAEL, MISSISSIPPI
AND KILMICHAEL MISSISSIPPI ELECTION
COMMISSION THROUGH ITS MEMBERS
JAMES WILSON, ED HENSON, AND
ANNIE HENSON

DEFENDANTS

ORDER

This cause comes before the court on the plaintiffs' motion for preliminary injunction and request for the empaneling of a three-judge court. The plaintiffs seek an order directing the defendants to conduct the June 5, 2001 municipal election for mayor and board of aldermen in the town of Kilmichael, Mississippi. The instant motion challenges the May 21, 2001 order of the Circuit Court of Montgomery County, Mississippi enjoining the June 5 election on the ground that implementation of the order constitutes an unprecleared change in voting practice, procedure or standard within the purview of § 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c.

The court received copies of the plaintiffs' pleadings and memorandum in support of the motion for preliminary injunction less than 24 hours before the scheduled date of the election enjoined by the state court. The plaintiffs' counsel has made no showing of service on the defendants or their counsel and has not contacted the courtroom deputy or other staff member to arrange a definite time and place

¹The court notes that the plaintiffs may be entitled to the setting of a special election.

for a hearing, as required by Local Rule 7.2(H). Accordingly, the court **TAKES THIS MATTER UNDER ADVISEMENT.**¹

THIS, the _____ day of June, 2001.

NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE

¹The court notes that the plaintiffs may be entitled to the setting of a special election.